

Appl. No. 10/698,288  
Amdt. dated December 21, 2004  
Reply to Office Action of December 2, 2004

### **REMARKS**

This is responsive to the Final Office Action dated December 2, 2004 in which the specification was objected to because it failed to lack the necessary reference to the prior application under 35 U.S.C. § 120. As such, Applicants have amended the specification accordingly to clarify that this application is a divisional of U.S. Patent Application Serial No. 09/892,050, now U.S. Patent No. 6,691,976.

The disclosure was also objected to under 35 U.S.C. § 132 because it allegedly introduced new matter into the disclosure. The added material which was allegedly not supported by the original disclosure found in Application Serial No. 09/892,050 was recitations at Ins. 19-20 on pg. 4 as well as Ins. 1-2 on pg. 10 of the specification. In response to the objection under 35 U.S.C. § 132, Applicants have amended the identified portions of the specification to cancel any new matter.

Claims 2, 3, 11, 12, 19, 20 and 32 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The rejected claims allegedly contained subject matter which was not described in the specification at the time the application was filed to reasonably convey to one of ordinary skill in the art that the inventors had possession of the claimed invention. The rejection alleges that the specification had not originally disclosed the tapered region of the shank as extending "substantially the entire length of the shank" nor as extending

Appl. No. 10/698,288  
Amdt. dated December 21, 2004  
Reply to Office Action of December 2, 2004

"over a substantial portion of the length of the shank." Applicants respectfully traverses these rejections in part.

The parent patent Application Serial No. 09/892,050 from which the current application claims benefit under 35 U.S.C. § 120 has issued as U.S. Patent No. 6,691,976. In the '976 patent at col. 5, lns. 56-67, Applicants respectfully assert that the tapered region of the shank as extending "over a substantial portion of the length of the shank" is clearly disclosed. Namely, that portion of the '976 patent states that "the shank 22 is about 2.446 inches long and the tapered region includes a first portion 25 proximate the head 18 and about 0.985 inches long ( $L_2$ ) and forming an angle of about  $91.056^\circ$  with respect to the plane of the head 18. The tapered region 23 includes a second portion 27 adjacent the first portion extending about 1.064 inches in length ( $L_3$ ). ..."

Based on this disclosure in the parent patent application, the entire tapered region, including the first and second portions 25, 27, has a total length of 2.049 inches ( $1.064 + 0.985 = 2.049$ ). The entire length of the shank is disclosed as being 2.446 inches long. As a result, the tapered region 23 is approximately 83.77 percent of the entire length of the shank ( $2.049 \div 2.446 \times 100 = 83.77$  percent). Applicants respectfully assert that a tapered region which extends 83.77 percent of the length of the entire shank extends "over a substantial portion of the length of the shank." As such, Applicants have not amended or canceled claims 3, 12, 20 or 32.

Appl. No. 10/698,288  
Amdt. dated December 21, 2004  
Reply to Office Action of December 2, 2004

Nevertheless, claims 2, 11 and 19 have been cancelled herein as directed to a tapered region extending substantially the entire length of the shank.

Likewise, the identified sections of the specification on pgs. 4 and 10 have been amended to delete reference to the tapered region extending the entire length of the shank; however, the specification at pg. 10 has been amended herein to clarify that the tapered region 20 extends a substantial portion of the length of the shank as supported by the identified disclosure in the '976 patent.

Therefore, Applicants respectfully assert that each item identified in the Office Action of December 2, 2004 has been addressed herein. Moreover, Applicants respectfully request that this amendment be entered in its entirety in that the supporting disclosure for the tapered region extending over a substantial portion of the length of the shank was originally included in the parent patent application which matured into the '976 patent and this amendment does not introduce any new issues not previously considered during the prosecution of this application. Moreover, Applicants have only amended the application to cancel selected rejected claims and to amend the specification as complying with requirements expressly set forth in the Office Action.

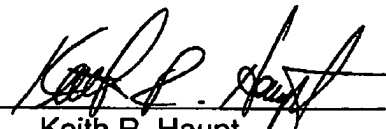
As a result of the amendments to the claims and the remarks given herein, applicant respectfully asserts that the claims as presented herein are in condition for allowance and request notification of same at the Examiner's earliest convenience. If the Examiner feels that any matter in this case requires further

Appl. No. 10/698,288  
Amdt. dated December 21, 2004  
Reply to Office Action of December 2, 2004

attention prior to issuing a Notice of Allowance, he is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By   
Keith R. Haupt  
Reg. 37,638

2700 Carew Tower  
Cincinnati, Ohio 45202  
(513) 241-2324  
FAX (513) 421-7269  
[khaupt@whepatent.com](mailto:khaupt@whepatent.com) (email)  
K:\POUR\23DAF Amend.wpd